

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

XPOINT TECHNOLOGIES, INC.,

Plaintiff,

v.

MICROSOFT CORP., et al.,

Defendants.

Civil Action No. 09-CV-00628 (SLR)

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF
MARVELL TECHNOLOGY GROUP, LTD**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), and subject to the Tolling Agreement executed on or about October 23, 2009, Plaintiff Xpoint Technologies, Inc. hereby dismisses its claims only against Defendant Marvell Technology Group, Inc. (“Marvell”), from this action without prejudice. Marvell has not filed or served an answer nor filed any motion in this action. No prejudice to any party will result from the dismissal of Marvell. This is not intended to affect Plaintiff’s claims in this case against any Defendant other than Marvell.

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Dated: October 28, 2009